

1 Mark C. Dosker (State Bar # 114789)
 2 Nathan Lane, III (State Bar # 50961)
 3 SQUIRE PATTON BOGGS (US) LLP
 275 Battery Street, Suite 2600
 San Francisco, CA 94111
 Telephone: 415.954.0200
 Facsimile: 415.393.9887
 Email: mark.dosker@squirepb.com
 5 nathan.lane@squirepb.com

6 Attorneys for Defendant
 Technologies Displays Americas LLC with respect to all cases
 7 except *Office Depot, Inc. v. Technicolor SA, et al.* and
Sears, Roebuck and Co., et al. v. Technicolor SA, et al.
 8 (additional counsel on last page)

9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**
 11 **SAN FRANCISCO DIVISION**

12 **In re CATHODE RAY TUBE (CRT)**
ANTITRUST LITIGATION

Master File No. 3:07-CV-5944-SC
 MDL No. 1917

13 This Document Relates to
 14 *Best Buy Co., Inc., et al. v. Technicolor SA,*
et al., No. 13-cv-05264;
 15 *Costco Wholesale Corporation v. Technicolor*
SA, et al., No. 13-cv-005723;
 16 *Crago, d/b/a Dash Computers, Inc., et al., v.*
Mitsubishi Electric Corporation, et al.,
 17 No. 14-cv-02058;
 18 *Electrograph Systems, Inc., et al. v.*
Technicolor SA, et al., No. 13-cv-05724;
 19 *Interbond Corporation of America v.*
Technicolor SA, et al., No. 13-cv-05727;
 20 *Office Depot, Inc. v. Technicolor SA, et al.*,
 No. 13-cv-05726;
 21 *P.C. Richard & Son Long Island Corporation,*
et al. v. Technicolor SA, et al., No. 13-cv-

DECLARATION OF ALBINO BESSA IN
SUPPORT OF DEFENDANT
TECHNOLOGIES DISPLAYS AMERICAS
LLC'S MOTION FOR SUMMARY
JUDGMENT

22 05725;
 23 *Schultze Agency Services, LLC v. Technicolor*
SA, et al., No. 13-cv-05668;
 24 *Sears, Roebuck and Co., et al. v. Technicolor*
SA, et al., No. 13-cv-05262;
 25 *Sharp Electronics Corp., et al. v. Hitachi,*
 26 *Ltd., et al.*, No. 13-cv-01173;
 27 *Siegel v. Technicolor SA, et al.*, No. 13-cv-

1 1. I am the President and sole employee of Technologies Displays Americas LLC
2 ("TDA"). I have been employed by TDA since approximately October 2006. Prior to that time I
3 was employed by one or more Thomson companies (the Thomson group of companies are
4 collectively referred to in this Declaration as "Thomson") as an engineer and manager in
5 Thomson's cathode ray tube ("CRT") manufacturing facilities in Lancaster, Pennsylvania and
6 Marion, Indiana, and in Thomson Displays Mexicana, S.A. de C.V.'s ("TDM") manufacturing
7 facility in Mexicali, Mexico. Before the CRT business was shut down (as discussed below), all of
8 my work for these companies was in the manufacturing portion of the business. On or about
9 October 29, 2007 I became the President of TDA and have been its sole employee since
10 approximately June of 2008.

11 2. TDA is a Delaware limited liability company that was formed on or about July 12,
12 2005. TDA was formed by Thomson, it was originally named Thomson Displays Americas, LLC,
13 and its name was changed to Technologies Displays Americas LLC on or about October 11, 2006.

14 3. At the time of its formation in July 2005, TDA did not have any operations or
15 assets. In the fall of 2005, Thomson transferred a portion of its North American CRT business to
16 TDA. The assets transferred to TDA included CRT and raw material inventory, certain contracts
17 and contract rights, and an office lease in San Diego, California.

18 4. At the time of its formation, TDA was owned by Thomson. In the fall of 2005,
19 Eagle Corporation Limited ("Eagle"), a Cayman Islands corporation, became the owner of TDA.

20 5. In the fall of 2005, when TDA acquired certain of Thomson's North American
21 tube operations and began its own CRT business operation, some of the employees of the former
22 Thomson CRT business in North America became employees of TDA. These TDA employees
23 included some former Thompson CRT sales personnel located in the Thomson San Diego office.
24 Jack Brunk, formerly a Thomson employee, became a sales manager for TDA in the fall of 2005
25 and was employed by TDA until he resigned as of July 31, 2006. J.P. Hanrahan never was
26 employed by TDA.

27 6. Beginning in the fall of 2005, TDA's business included the sale to customers in the
28 United States and in some other countries of CRTs manufactured by TDM in Mexicali, Mexico,
under a *maquiladora* arrangement. TDM had two CRT production lines in its Mexicali plant to

1 manufacture CRTs for TDA to sell to its customers. In approximately April 2006 one of the two
2 lines was shut down, and in approximately May 2007 the other CRT manufacturing line at TDM
3 was shut down, so that CRT manufacturing ended. TDA ceased selling CRTs and shut down its
4 CRT business entirely in the spring of 2008. The last purchase orders for United States CRT sales
5 were dated May 20, 2008. After the manufacturing lines were shut down in approximately May
6 2007, TDA sold CRTs from inventory.

7 7. TDA sold only color picture tubes, also known as cathode picture tubes, ("CPTs"),
8 which are used primarily in televisions. TDA did not sell color display tubes, also known as
9 cathode display tubes, ("CDTs"), which are used in computer monitors. Thus, all of TDA's CRT
10 sales were of color picture tubes.

11 8. TDA did not manufacture or sell finished products containing CRTs, such as
12 televisions or computer monitors. TDA sold CRTs to television manufacturers for use in
13 television sets and sold a small number of CRTs to videogame manufacturers. TDA did not sell
14 television sets in the United States, and did not at any time sell CRTs to department stores,
15 electronics stores, or other retail stores. TDA never sold CRTs to any of the Plaintiffs in the
16 Best Buy, Costco, Crago, Electrograph Systems, Interbond, Office Depot, P.C. Richard, Schultz,
17 Sears, Siegel, or Target lawsuits.

18 9. TDA has not been in the CRT business related to the United States market since it
19 shipped the CRTs covered by the May 20, 2008 purchase orders. All of the TDA employees
20 involved in the sales of CRT were laid off or otherwise had their employment terminated by the
21 spring of 2008. The TDM CRT manufacturing facility in Mexicali, Mexico was also permanently
22 shut down at that time.

23 10. TDA left its San Diego location when its lease expired in April of 2008 and moved
24 to a small office on Carr Road in Calexico, California. TDA has since moved to another small
25 office on Carr Road in Calexico, California. TDA's only offices since TDA was formed in 2005
26 are these offices in San Diego and Calexico, California.

27 11. TDA does not have and, since it began its CRT business in the fall of 2005, has not
28 had any office, real property, manufacturing or sales facility, bank account, mailing address,
telephone listing, or employees in Arizona, Florida, Illinois, Iowa, Kansas, Massachusetts,

1 Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina,
 2 Washington or Wisconsin. TDA is not and was never qualified to do business in any of these
 3 states. Except for a small number of sales to a videogame manufacturer in Illinois, TDA never
 4 sold CRTs in any of these states.

5 12. TDA's primary current business is, and for a number of years has been, collecting
 6 used television and computer monitor glass for recycling. The glass collected is sent to be
 7 processed by TDM in Mexico, and the clean glass cullet is shipped overseas for recycling.

8 13. I first learned of the CRT antitrust litigation in March or April of 2013. TDA was
 9 not aware of the CRT antitrust litigation, had not been named as a party in any CRT antitrust
 10 lawsuit, had not received any discovery request in connection with the CRT litigation, and had not
 11 received any information request regarding the CRT business from any United States government
 12 agency or body prior to March 2013, when TDA was served with the Complaint in *Sharp*
 13 *Electronics Corp. v. Hitachi, Ltd., et al.*, Case No. 13-cv-01173.

14 14. TDA has retained some records from its CRT business pertaining to the period
 15 from late 2005 to 2008. TDA also has retained some records from the former Thomson CRT
 16 operations which were left in the office in San Diego which TDA took over in the fall of 2005.

17 15. I reviewed TDA's records regarding its CRT business operations and found no
 18 record that any TDA employee ever attended any meeting with TDA competitors to discuss, fix,
 19 raise or maintain CRT prices, or that TDA ever agreed with competitors to fix, raise or maintain
 20 CRT prices.

21 16. TDA has no records or documents of any kind showing any awareness by TDA of
 22 a CRT price-fixing arrangement among CRT competitors, indicating any agreement by TDA to
 23 participate in any such agreement, arrangement, or conspiracy, or showing any meeting or other
 24 communication between any TDA employee and any competitor with regard to fixing or
 25 establishing prices, limiting production, or any other activity asserted by Plaintiffs as a basis for
 26 their claims in the CRT litigation. To the best of TDA's knowledge, TDA did not participate in
 27 any such agreement, arrangement, conspiracy, or communications.

28 / / /

1 I declare under penalty of perjury that the foregoing is true and correct. Executed on
2 November 7, 2014 in Calexico, California.

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4 Albino Bessa

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6 Additional counsel:

7 Donald A. Wall (*Pro Hac Vice*)
8 SQUIRE PATTON BOGGS (US) LLP
9 1 East Washington Street, Suite 2700
10 Phoenix, Arizona 85004
11 Telephone: 602.528. 4000
12 Facsimile: 602.253.8129
13 Email: donald.wall@squirepb.com

14 Attorneys for Defendant
15 Technologies Displays Americas LLC with respect to all
16 cases except *Office Depot, Inc. v. Technicolor SA, et al.*
17 and *Sears, Roebuck and Co., et al. v. Technicolor SA, et al.*

18 Jeffrey I. Zuckerman (*Pro Hac Vice*)
19 Ellen Tobin (*Pro Hac Vice*)
20 CURTIS, MALLET-PREVOST, COLT & MOSLE LLP
21 101 Park Avenue
22 New York, New York 10178
23 Telephone: 212.696.6000
24 Facsimile: 212.697.1559
25 Email: jzuckerman@curtis.com
26 etobin@curtis.com

27 Arthur Gaus (State Bar # 289560)
28 DILLINGHAM & MURPHY, LLP
601 California Street, Suite 1900
San Francisco, California 94108
Telephone: 415.397.2700
Facsimile: 415.397-3300
Email: asg@dillinghammurphy.com

Attorneys for Defendant
Technologies Displays Americas LLC with respect to
Office Depot, Inc. v. Technicolor SA, et al. and
Sears, Roebuck and Co., et al. v. Technicolor SA, et al.